

1306896-Court-A-Unit  
 RICHARD PRESTON COOK  
 205 N 22ND STREET  
 ATTORNEY @ LAW  
 WILMINGTON, NC 28405

IN RE  
 JONATHAN SCOTT DUBEL  
 7317 FISHERMAN CREEK DRIVE  
 WILMINGTON, NC 28405  
 SSN or Tax I.D. XXX-XX-9339  
 -----  
 MELANIE DUBEL  
 7317 FISHERMAN CREEK DRIVE  
 WILMINGTON, NC 28405  
 SSN or Tax I.D. XXX-XX-4955

United States Bankruptcy Court  
 PO Box 791  
 Raleigh, NC 27602

Chapter 13  
 Case Number: 13-06896-8-SWH

# NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Richard M. Stearns, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 04/07/2014, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court  
 PO Box 791  
 Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addresses:

Debtor(s):	Attorney:	Trustee:
JONATHAN SCOTT DUBEL	RICHARD PRESTON COOK	Richard M. Stearns
7317 FISHERMAN CREEK DRIVE	205 N 22ND STREET	1015 Conference Dr.
WILMINGTON, NC 28405	ATTORNEY @ LAW	Greenville, NC 27858
-----	WILMINGTON, NC 28405	
MELANIE DUBEL		
7317 FISHERMAN CREEK DRIVE		
WILMINGTON, NC 28405		

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: March 07, 2014

Richard M. Stearns  
 Chapter 13 Trustee  
 1015 Conference Dr.  
 Greenville, NC 27858

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WILMINGTON DIVISION**

**IN RE:**

**CASE NUMBER: 13-06896-8-SWH**

**JONATHAN SCOTT DUBEL**

**MELANIE DUBEL**

**CHAPTER 13**

**DEBTOR(S)**

**MINUTES OF 341 MEETING AND  
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the Court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on December 17, 2013, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C. §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the Trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts on what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:  
  
\$125.00 PER MONTH FOR 60 MONTHS.
5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this Plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before March 17, 2014 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before May 5, 2014 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:
  - a. Claims to be paid directly by the Debtor:

Creditor

Collateral

Repayment Rate/Term

#802 CARRINGTON MORTGAGE  
MORTGAGE  
SERVICES, LLC

TO BE PAID DIRECT; ARREARS TO  
BE PAID DIRECT.

#822 SUNTRUST MORTGAGE  
MORTGAGE

TO BE PAID DIRECT; ARREARS TO  
BE PAID DIRECT.

b. Continuing Long Term Debts to be paid by the Trustee:

**IF A PROOF OF CLAIM IS TIMELY FILED** the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, to be paid over the life of the plan. Two post-petition contractual payments shall be included in the arrearage claim. **The Debtor is to resume direct payments upon completion of plan payments. (SEE PARAGRAPH 8 BELOW)**

Creditor

Collateral

NONE

c. Claims paid to extent of claims as filed (no cramdown):

Creditor

Collateral

Repayment Rate/Term

NONE

d. Claims paid to extent of value:

Creditor

Collateral

Present Value

Repayment Rate/Term

NONE

e. Claims to be avoided by the debtor:

Creditor

Collateral

Repayment Rate/Term

NONE

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.

9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as: "Abandon," upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property "for cause" under §362(a)(1), as allowed by Local Rule 4001-1(b):

#001 WELLS FARGO, 2005 GRADY WHITE, THE DEBTOR ABANDONS HIS INTEREST IN THE COLLATERAL. THE TRUSTEE WILL NOT PAY THIS CLAIM UNLESS A DEFICIENCY CLAIM IS FILED.

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7, 8 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased or Contracted For</u>	<u>Treatment</u>
NONE		

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,700.00. The Trustee recommends to the Court a fee of \$3,700.00. If the recommended fee is different from that requested an explanation can be found in Exhibit ‘A’.
16. Other Provisions: NONE

RICHARD M. STEARNS

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Standing Chapter 13 Trustee

**EXHIBIT 'A'**

**DEBTORS:** JONATHAN & MELANIE **CASE NUMBER:** 13-06896-8-SWH  
DUBEL

**EMPLOYMENT:**

Debtor: US FOODSERVICE, GROSS INCOME: \$8,500.00  
INC.

Spouse: CAPE MEDICAL \$1,820.00

**Prior Bankruptcy** Yes ☐ No ☒ If so, Chapter filed

**cases:**

Disposition:

**Real Property:** House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: RESIDENCE @ 7317 FISHERMAN CREEK DR.

FMV \$485,100.00

Date Purchased

Liens \$534,000.00

Purchase Price

Exemptions

Improvements

Equity \$ 0.00

Insured For

Rent

Tax Value \$485,100.00

Description N/A

FMV

Date Purchased

Liens

Purchase Price

Exemption

Improvements

Equity \$ 0.00

Insured For

Rent

Tax Value

**COMMENTS:** GROSS HUSBAND EQUITY IS \$2,125.00 IN A LEXUS LS 470.

**Attorney** Requested: \$3,700.00 (excluding filing fee)  
**Fees:** Paid: \$700.00 (excluding filing fee)  
Balance: \$3,000.00

**Trustee's Recommendation:** \$3,700.00

Comments:

**Plan Information:**

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$129,235.10	Pay in	\$7,500.00	Priority	10.00%
Priority	\$3,396.44	Less 8.00%	\$600.00	Secured	0.00%
Secured	\$0.00	Subtotal	\$6,900.00	Unsecured	0.00%
Unsecured	\$125,838.66	Req. Atty. Fee	\$3,000.00	Joint	0.00%
Joint Debts	\$0.00	Available	\$3,900.00	Co-Debts	0.00%
Co-Debtor	\$0.00				

**Annual Review:** Yes ☒ No ☐

**Payroll Deduction:** Yes ☐ No ☒

**Objection to Confirmation:**

Yes ☐ No ☒

Pending:

Resolved:

Motions Filed: Yes ☐ No ☒

If so, indicate type and status:

Hearing Date:

CASE: 1306896 TRUSTEE: 54 COURT: 278  
 TASK: 03-06-2014.00726532.LSA000 DATED: 03/07/2014

Court Served Electronically

Trustee	Richard M. Stearns	1015 Conference Dr. Greenville, NC 27858
Debtor	JONATHAN SCOTT DUBEL	7317 FISHERMAN CREEK DRIVE WILMINGTON, NC 28405
Joint	MELANIE DUBEL	7317 FISHERMAN CREEK DRIVE WILMINGTON, NC 28405
799	000002 RICHARD PRESTON COOK ATTORNEY @ LAW	205 N 22ND STREET WILMINGTON, NC 28405
015	000021 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY	P.O. BOX 7317 PHILADELPHIA, PA 19101-7317
011	000011 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY	P.O. BOX 7317 PHILADELPHIA, PA 19101-7317
015	000015 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY	P.O. BOX 7317 PHILADELPHIA, PA 19101-7317
IRS	000004 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY	P.O. BOX 7317 PHILADELPHIA, PA 19101-7317
025	000025 ATTORNEY GENERAL 10TH ST. & CONSITUTION AVENUE NW	5137 ROBERT F. KENNEDY BLDG. WASHINGTON, DC 20530
822	000007 SUNTRUST MORTGAGE	PO BOX 79041 BALTIMORE, MD 21279
024	000024 US ATTORNEY 310 NEW BERN AVE, FEDERAL BLDG	ATTN: CIVIL PROCESS CLERK, STE 800 RALEIGH, NC 27601-1461
016	000016 NC DEPT. OF REVENUE ATTN: ANGELA FOUNTAIN	PO BOX 1168 RALEIGH, NC 27602-1168
NCREV	000005 NC DEPT. OF REVENUE ATTN: ANGELA FOUNTAIN	PO BOX 1168 RALEIGH, NC 27602-1168
001	000008 WELLS FARGO	327 HILLSBOROUGH ST. RALEIGH, NC 27603
ESC	000003 EMPLOYMENT SECURITY COMMISSION CHAPTER 13 BANKRUPTCY	PO BOX 26504 RALEIGH, NC 27611
010	000010 NC BANKRUPTCY REPORTING CONTACT PO BOX 20800	NC CHILD SUPPORT ENFORCEMENT RALEIGH, NC 27619-0800
017	000017 PMC	PO BOX 31182 RALEIGH, NC 27622
013	000013 BB&T BANKRUPTCY SECTION / 100-70-01-51	PO BOX 1847 WILSON, NC 27894
026	000026 BRANCH BANK & TRUST CO PO BOX 1847	MR. JACK R HAYES WILSON, NC 27894-1847
018	000018 SMITH, MOORE, LEATHERWOOD STE 301	300 NORTH 3RD ST. WILMINGTON, NC 28401
009	000009 PATTY DUBEL	7316 KEY POINT DRIVE WILMINGTON, NC 28405
019	000019 DAVID STARLING	7305 FISHERMAN CREEK DR. WILMINGTON, NC 28405
014	000014 EVOLUTION MIXED MARTIAL ARTS	38 NORTH LUMINA AVE WRIGHTSVILLE BEACH, NC 28480
020	000020 R. SCOTT HAULMAN	139 DRIFTWOOD COURT WRIGHTSVILLE BEACH, NC 28480

# CERTIFICATE OF MAILING

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TASK: 03-06-2014.00726532.LSA000 DATED: 03/07/2014

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021	000022	GE CAPITAL RETAIL BANK 25 SE 2ND AVE STE 1120	C/O RECOVERY MANAGEMENT SYSTEMS MIAMI, FL 33131-1605
012	000012	BANK OF AMERICA CHAPTER 13 BANKRUPTCY	PO BOX 982235 EL PASO, TX 79998-2235
801	000023	CARRINGTON MORTGAGE SERVICES, LLC SUITE B150	1610 EAST SAINT ANDREWS PLACE SANTA ANA, CA 92705
802	000006	CARRINGTON MORTGAGE SERVICES, LLC SUITE B150	1610 EAST SAINT ANDREWS PLACE SANTA ANA, CA 92705

29 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 03/07/2014.  
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.  
EXECUTED ON 03/07/2014 BY /S/EPIQ Systems, Inc.

\*CM - Indicates notice served via Certified Mail